

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA BAIL FUND	:	CIVIL ACTION
	:	
v.	:	
	:	
ARRAIGNMENT COURT MAGISTRATE	:	
JUDGES, et al.	:	NO. 19-3110

ORDER

AND NOW, this 25th day of February, 2020, for the reasons set forth in the foregoing Memorandum, it is hereby ORDERED that:

(1) the motion of plaintiff Philadelphia Bail Fund for summary judgment against defendants, Arraignment Court Magistrates Francis Bernard, Sheila Bedford, Kevin Devlin, James O'Brien, Cateria McCabe, and Robert Stack as well as against defendants the Philadelphia Municipal Court President Judge Patrick Dugan and the Sheriff of Philadelphia County, Rochelle Bilal is GRANTED;

(2) Rule 112(C) of the Pennsylvania Rules of Civil Procedure, Rule 1910 of the Pennsylvania Rules of Judicial Administration, and the Philadelphia Municipal Court Arraignment Court Magistrate rule 7.09 are declared to be unconstitutional under the First Amendment of the United States Constitution insofar as they apply to bail hearings in the Philadelphia Municipal Court as long as the Philadelphia Municipal Court does not make available to plaintiff either official audio recordings

or transcripts of bail hearings of the same type and quality and in the same manner that are made available for other judicial proceedings;

(3) plaintiff may make its own audio recordings of bail hearings in the Philadelphia Municipal Court with silent handheld recorders beginning 45 days from the date of this order but only if the Philadelphia Municipal Court does not make available by that time official audio recordings or transcripts of bail hearings of the same type and quality and in the same manner that are made available for other judicial proceedings;

(4) the motion of the defendants, the Arraignment Court Magistrates and the Philadelphia Municipal Court President Judge, for summary judgment against plaintiff is DENIED;

(5) the motion of defendant the Sheriff of Philadelphia County for summary judgment against plaintiff on plaintiff's claim for attorney's fees and costs is GRANTED;

(6) the motion of defendant the Sheriff of Philadelphia County for summary judgment against plaintiff is otherwise DENIED;

(7) the cross-claim of the Sheriff of Philadelphia County for indemnity against the Arraignment Court Magistrates and the Philadelphia Municipal Court President Judge for attorney's fees and costs is DENIED as moot; and

(8) this court retains jurisdiction and directs defendants to file a status report within 45 days and at such other times as the court directs.

BY THE COURT:

/s/ Harvey Bartle III
J.